

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

November 4, 2021

Chief Judge Diane S. Sykes

Nos. 07-21-90077 & 07-21-90078

IN RE COMPLAINTS AGAINST TWO JUDGES

MEMORANDUM AND ORDER

The complainant filed misconduct complaints against two judges who presided over civil cases that he filed in 2018 and 2019. He claims that both judges were biased and erred in decisions granting the defendants' motions to dismiss and ordering the parties to proceed to arbitration. He also contends that the defendants and appointed counsel acted in concert with the judges to reach these allegedly erroneous decisions.

Allegations directly related to the merits of a judge's decisions are not proper grounds for a misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." STEPHEN BREYER ET AL., IMPLEMENTATION OF THE JUDICIAL CONDUCT AND DISABILITY ACT OF 1980: A REPORT TO THE CHIEF JUSTICE 145 (2006). To the extent that the complainant challenges the judges' procedural or substantive rulings, the allegations are merits related and the complaints must be dismissed. § 352(b)(1)(A)(ii). To the extent that the complainant suggests that the judges were biased against him, he provides no objectively verifiable evidence to support these allegations, and adverse rulings alone are not proof of bias. The allegations of improper bias are thus wholly unsupported and likewise must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D).

Finally, the challenges to appointed counsel's conduct, as well as to the conduct of the defendants, are wholly unsupported and beyond the purview of the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364. RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 1(b) (limiting coverage of the Act to federal judges as defined in the rules); *see id.* PROC. 8(c) (instructing the circuit clerk not to accept a complaint about a noncovered person).

For the foregoing reasons, the complaints are dismissed pursuant to § 352(b)(1)(A)(ii) and (iii). The complainant may petition the Judicial Council of the Seventh Circuit for review of this order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. 28 U.S.C. § 352(c); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(g)(3). A petition for review must be filed in the clerk's office of the United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.